

UNITD STATE DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT
EASTERN DISTRICT - WI

FILED

2021 MAR 19 P 3:59

Case No.
CLERK OF COURT

NOTICE OF MOTION
TO THE COURT

21-6-0358

Terrence Fitch

Petitioner,

vs.

Sarah Monahan

Respondent

Notice of Motion to Transfer Custody Matter

Being duly sworn under penalty of perjury, deposes and says:

1. Terrence Fitch, *in Propria Persona* to Notice to Motion to transfer the matter to a court of competent jurisdiction.
2. I hereby file a motion to move this court to transfer my custody matter to be heard by a article 3 judicial offer who will hear all arguments within the due process protection.
3. It is my opinion is that I will not have a fair trial in this court. I have a constitutional right to be a parent and to protect my offspring.
4. At this time, I see no other alternative in that you can no longer be a part of my case.
5. Transfer my custody to appropriate and competent jurisdiction. Anything else will result in me filing a lawsuit claim against you for the deprivation of rights.

Argument

STATE OF
WISCONSINCIRCUIT COURT
FAMILY COURT
BRANCHMILWAUKEE COUNTY
U.S. DISTRICT COURT
EASTERN DISTRICT - WI
FILED

2021 MAR 19 P 3:59

STATE OF WISCONSIN
In Re SARAH M. MONAHAN

Petitioner,

vs.

TERRENCE J. FITCH

Respondent

CLERK OF COURT
Case No. 17PA004443

IDV\KID Case No. 7247693

NOTICE OF MOTION
TO THE COURT

Notice of Motion to Transfer Custody Matter

Being duly sworn under penalty of perjury, deposes and says:

1. Terrence Fitch, *in Propria Persona* who is wrongfully accused, (hereinafter, "ACCUSED") and is allegedly named in the above as TERRENCE J. FITCH, Respondent moves this Court/Tribunal (hereinafter, "COURT") to Notice to Motion to transfer the matter to a court of competent jurisdiction.
2. I hereby file a motion to move this court to transfer my custody matter to be heard by a article 3 judicial offer who will hear all arguments within the due process protection.
3. It is my opinion is that I will not have a fair trial in this court. I have a constitutional right to be a parent and to protect my offspring.
4. At this time, I see no other alternative in that you can no longer be a part of my case.

5. Transfer my custody to appropriate and competent jurisdiction. Anything else will result in me filing a lawsuit claim against you for the deprivation of rights.

Argument

Case law
U.S. Supreme Court
Santosky v. Kramer, 455 U.S. 745 (1982)
No. 80-5889
Argued November 10, 1981
Decided March 24, 1982
455 U.S. 745

(a) The fundamental liberty interest of natural parents in the care custody, and management of their child is protected by the Fourteenth Amendment, and does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. A parental rights termination proceeding interferes with that fundamental liberty interest. When the State moves to destroy weakened familial bonds, it must provide the parents with fundamentally fair procedures. Pp. 455 U. S. 752-754.

b) The nature of the process due in parental rights termination proceedings turns on a balancing of three factors: the private interests affected by the proceedings; the risk of error created by the State's chosen procedure; and the countervailing governmental interest supporting use of the challenged procedure. Mathews v. Eldridge, 424 U. S. 319, 424 U. S. 335. In any given proceeding, the minimum standard of proof tolerated

by the due process requirement reflects not only the weight of the public and private interests affected, but also a societal judgment about how the risk of error should be distributed between the litigants. The minimum standard is a question of federal law which this Court may resolve. Retrospective case-by-case review cannot preserve fundamental fairness when a class of proceedings is governed by a constitutionally defective evidentiary standard. Pp. 455 U. S. 754-757.

(STATE of WISCONSIN)
(COUNTY OF MILWAUKEE) ss.

LEONIDA IPCHJA
Notary Public
State of Wisconsin

Respectfully submitted,

TJF 3-10-2020

Terrence Fitch In Propria Persona who is
allegedly the ACCUSED, wrongfully
named TERRENCE J. FITCH,
Respondent. All Rights Reserved pursuant
to UCC-1-308.

State of WI County of Racine
Subscribed and Sworn before me on 3/10/21
(Date)
Leonida Ipchja
(Notary Signature)